

Remarks

Claims 1-24 were pending. Claims 2-4, 9 and 20 have been canceled without prejudice or disclaimer. Claims 23-24 have been withdrawn from consideration and are hereby canceled without prejudice or disclaimer, as described below. Claims 1, 5-7, 13 and 21 are amended. Support for the amendments can be found in original claims 2, 3, 4 and 20. Accordingly, Applicants respectfully submit that no new matter has been added.

Applicants thank the Examiner for indicating that claims 4 and 20-22 contain allowable subject matter.

Based on the foregoing amendments and the following remarks, Applicants respectfully request reconsideration of the outstanding rejections and passage of the claims to allowance.

Election/Restrictions

Restriction to one of the following inventions was required under 35 U.S.C. 121:

- I. Claims 1-22, directed to varying a point impingement locations of the first and second write beams on the first and second reflectors; and
- II. Claims 23-24, directed to varying a point of impingement of the input beam on the beam splitter to vary the angle of intersection of the first and second write beams, thereby altering the periodicity of the interference pattern in the optical waveguide.

Applicants were further required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

During a telephone conversation between the Examiner and Melanie Gover on June 15, 2004, a provisional election was made with traverse to elect Group I, claims 1-22, for prosecution. Applicants hereby affirm the election of claims of Group I and withdrawal and cancellation, without prejudice or disclaimer, of Claims 23-24 from consideration in the present application. Such election is now made without traverse.

§ 103 Rejections

Claims 1-3 and 5-19 were rejected under 35 USC § 103(a) as being unpatentable over Hammon et al (US 6,548,225).

Without acquiescing to the propriety of the rejections, Applicants have amended claims 1 and 13 to include the features of claims 4 and 20, respectively.

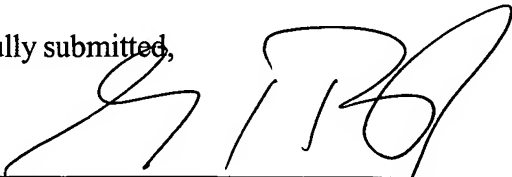
Accordingly, the rejection of claims 1-3 and 5-19 under 35 USC § 103(a) as being unpatentable over Hammon et al has been overcome and should be withdrawn.

Conclusion

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. Please contact the undersigned should there be any questions or in order to expedite prosecution.

Respectfully submitted,

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Date

By: 
Gregg H. Rosenblatt, Reg. No.: 45,056
Telephone No.: (512) 984-7443

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833